

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 3108 of 1997

to

FIRST APPEAL No 3115 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE M.C.PATEL

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First Appeals No.3108,3109,3110 and 3111 of 1997.

Appearance:

Mr.P.G.Desai, GOVERNMENT PLEADER for Petitioner

MR AMIT C NANAVATI for Respondent.

First Appeals Nos.3113,3114 and 3115 of 197.

Appearance:

Mr.A.B.Vyas, AGP, for Petitioner.

Mr.Amit C.Nanavati for respondent.

CORAM : MR.JUSTICE M.C.PATEL

Date of decision: 10/02/98

ORAL ORDER.

This is a group of First Appeals filed by the Special Land Acquisition Officer under section 54 of the Land Acquisition Act challenging the common judgment and award dated 7.2.1997 passed by the learned Extra Assistant Judge, Mehsana, in Land Reference Cases No.162/90 to 169/90.

Notification under section 4 of the Land Acquisition Act was published on 22.1.1988 for acquiring agricultural lands belonging to the claimants, situated in the sim of village Chhamichha, Taluka Chanasma, District Mehsana. The lands were acquired for

construction of Brahmanwada Chhamichha Road. The Land Acquisition Office, by his award dated 16.1.1989, awarded compensation at the rate of Rs.2.75 ps. per sq. metre. On reference, the learned Extra Assistant Judge, Mehsana, increased the rate of compensation from Rs.2.75 ps. per sq. metre to Rs.10/per sq. metre. He relied on the award passed by the 3rd Joint District Judge, Mehsana, in L.A.R. Case Nos.1087 of 1990 to 1106 of 1990 in which compensation was awarded at the rate of Rs.10/- per sq. metre, in respect of lands of village Brahmanwada, which had been acquired for the same purpose. It appears that the Government had filed First Appeals Nos.7198/95 to 7217/95 against the said award, but they were dismissed by this Court on 21.3.1996. A copy of the order passed by this Court was produced before the learned Assistant Judge, but it appears that there was typographical mistake in mentioning the numbers of land reference cases in the said order, and the learned Extra Assistant Judge was not satisfied that the said appeals were directed against the award made in respect of lands of village Brahmanwada. However, the original record of appeals shows that the appeals were filed against the said award. The result is that the award in respect of Brahmanwada land on which the learned Extra Assistant Judge relied for awarding additional compensation in the present group of Land Reference Cases, was confirmed by this Court in the previous group of appeals. The additional amounts of compensation payable to the claimants, pursuant to the award of the learned Extra Assistant Judge range from Rs.1000/- to Rs.7000/-. Under the circumstances, there is no substance in these appeals. They are, therefore, summarily dismissed.

(M.C.Patel,J.)
